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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,773	12/20/2001	Michael Epstein	US 010675	3921

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Philips Electronics North America Corporation
Intellectual Property Department
345 Scarborough Road
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EXAMINER

MOORTHY, ARAVIND K

ART UNIT PAPER NUMBER

2131

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,773

Applicant(s)

EPSTEIN, MICHAEL

Examiner

Aravind K Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are pending in the application.
2. Claims 1-20 stand being rejected.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/23/04 has been entered.

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cox et al U.S. Patent No. 5915027.**

As to claim 19, Cox et al discloses a method of verifying content watermarks included in material having a portion of the content material available to a watermark security system, the method comprising:

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requesting a requested watermark of the watermarks [column 5, lines 10-34];

determining that the requested watermark is not included in the watermark security system [column 5, lines 10-34]; and

obtaining the requested watermark from a collection of substitute watermarks included in the watermark security system when the requested watermark is not included in the portion [column 6, lines 24-45];

that the substitute segments have watermarks that contain watermark values that are associated with the watermarked segments of the content material of the data set [column 6, lines 24-45].

As to claim 20, Cox et al discloses obtaining the requested watermark from the portion when the requested watermark is included in the portion [column 6, lines 24-45].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Croslin U.S.

Patent No. 5,734,811 in view of Cox et al U.S. Patent No. 5915027.

As to claims 1, 10 and 17, Croslin discloses a method of overcoming a watermark security system, comprising:

receiving a request for a requested segment of a plurality of segments that comprises a data set [column 3, lines 14-29],

determining that the requested segment is not included in a select subset of segments to be rendered of the plurality of segments that comprise the data set [column 4 line 39 to column 5 line 8],

locating a substitute segment from a collection of substitute segments, communicating the substitute segment in response to the request for the requested segment [column 4 line 39 to column 5 line 8].

Croslin does not teach that the substitute segment having a watermark that contains a watermark value is associated with the requested segment.

Cox et al teaches segments having a watermark that contains a watermark value is associated with the requested segment.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Croslin so that the substitute segment would have had a watermark that contained a watermark value that was associated with the requested segment.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Croslin by the teaching of Cox et al because the watermark serves the purpose of authenticating copyright ownership, control and management [column 1, lines 22-26]

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As to claims 2 and 11, Croslin teaches locating a substitute segment includes determining the watermark value that is associated with the requested segment [column 4 line 39 to column 5 line 8].

As to claims 3 and 12, Croslin teaches communicating the requested segment in response to the request when the requested segment is within the select subset [column 4 line 39 to column 5 line 8].

As to claims 4 and 13, Croslin teaches adding segments of the select subset to the collection of substitute segments [column 4 line 39 to column 5 line 8].

As to claims 5 and 14, Croslin teaches receiving a dictionary of the data set that identifies each watermark value corresponding to each segment of the plurality of segments comprising the data set, to facilitate determining the watermark value that is associated with the requested segment [column 5, lines 41-55].

As to claim 6, Croslin discloses a substitution system, comprising:

an interface that is configured to:

receive a request for a requested segment of a plurality of segments comprising a data set [column 3, lines 14-29],

determine that the requested segment is not included in a select subset of segments to be rendered of the plurality of segments that comprise the data set [column 4 line 39 to column 5 line 8], and

forward the requested segment to a substitution device [column 4 line 39 to column 5 line 8].

Croslin does not teach a dictionary that is configured to provide a watermark value corresponding to the requested segment. Croslin does not teach that the substitution device operably coupled to the interface and to the dictionary, which is configured to provide a substitute segment from a collection of watermarked segments in response to the request when the requested segment is not within in a selected subset of segments of the plurality of segments comprising the data set. Croslin does not teach that the substitute segment includes a watermark that has the watermark value corresponding to the requested segment.

Cox et al teaches a dictionary that is configured to provide a watermark value corresponding to the requested segment. Cox et al teaches that the substitution device operably coupled to the interface and to the dictionary, which is configured to provide a substitute segment from a collection of watermarked segments in response to the request when the requested segment is not within in a selected subset of segments of the plurality of segments comprising the data set. Cox et al teaches that the substitute segment includes a watermark that has the watermark value corresponding to the requested segment.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Croslin so that a dictionary that would have been configured to provide a watermark value corresponding to the requested segment. The substitution device would have been operably coupled to the interface and to the dictionary, which was configured to provide a substitute segment from a collection of watermarked segments in response to the request when the requested segment was not within in a selected subset of segments of the plurality of segments comprising the data set. The substitute segment

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would have included a watermark that had the watermark value corresponding to the requested segment.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Croslin by the teaching of Cox et al because the watermark serves the purpose of authenticating copyright ownership, control and management [column 1, lines 22-26]

As to claim 7, Croslin teaches that the interface is further configured to provide the requested segment from the select subset of segments, when the requested segment is within the select subset [column 4 line 39 to column 5 line 8].

As to claim 8, Croslin teaches that the substitution system is further configured to add segments of the select subset of segments to the collection of watermarked segments [column 5, lines 56-65].

As to claim 9, Croslin teaches that the dictionary is further configured to receive a mapping of each watermark value corresponding to each segment of the plurality of segments comprising the data set [column 5 line 66 to column 6 line 19]. Croslin teaches that this facilitates a determination of the watermark value corresponding to the requested segment, as discussed above.

As to claim 15, Croslin discloses a method of creating a dictionary of substitute segments for overcoming a watermark security system, the method comprising:

receiving a request from the watermark security system for a select segment of a data set that includes a plurality of segments, as discussed above,

determining that the requested segment is not included in a select subset of segments to be rendered of the plurality of segments that comprise the data set, as discussed above,

providing a substitute segment from a collection of substitute segments when the select segment is not within in a subset of segments to be rendered of the plurality of segments comprising the data set, as discussed above,

Croslin does not teach determining whether the substitute segment is acceptable to the watermark security system. Croslin does not teach associating the substitute segment to the select segment of the data set, if the substitute segment is acceptable to the watermark security system.

Cox et al teaches determining whether the substitute segment is acceptable to the watermark security system. Cox et al teaches associating the substitute segment to the select segment of the data set, if the substitute segment is acceptable to the watermark security system.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Croslin so that it would have been determined if the substitute segment was acceptable to the watermark security system. The substitute segment would have been associated to the select segment of the data set, if the substitute segment was acceptable to the watermark security system.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Croslin by the teaching of Cox et al because the watermark serves the purpose of authenticating copyright ownership, control and management [column 1, lines 22-26]

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As to claim 16, Croslin teaches that the dictionary is configured to contain a set of associations of substitute segments for the plurality of segments of the data set, as discussed above.

As to claim 18, Croslin teaches that the substitute segments have watermarks that contain watermark values that are associated with the watermarked segments of the content material of the data set, as discussed above.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 703-305-1373. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy
October 14, 2004


EMMANUEL L. MOISE
PRIMARY EXAMINER